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Attorney for Plaintiff  
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	<b>NOTICE OF NON-HEARING</b>
vs.	)	<b>MOTION; PLAINTIFF WAYNE</b>
	)	<b>BERRY’S MOTION FOR</b>
HAWAIIAN EXPRESS SERVICE,	)	<b>RECONSIDERATION OR IN THE</b>
INC., a California corporation; et al.	)	<b>ALTERNATIVE RULE 60(b)</b>
	)	<b>RELIEF FOR FRAUD ON THE</b>
	)	<b>COURT</b>
	)	
	)	
	)	
	)	
Defendants.	)	Non-Hearing Motion
	)	Honorable Susan Oki Mollway
	)	
	)	
	)	
	)	
	)	

**NOTICE OF NON-HEARING MOTION**

TO: LEX R. SMITH, ESQ.  
Kobayashi Sugita & Goda  
First Hawaiian Center  
999 Bishop Street, Suite 2600  
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Attorneys for Defendant  
Fleming Companies, Inc.  
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C&S Logistics of Hawaii, LLC and  
C&S Acquisitions, LLC

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Attorneys for Defendant Fleming Companies, Inc.

NOTICE IS HEREBY GIVEN that the undersigned has filed Plaintiff  
Wayne Berry's Motion for Reconsideration Or In The Alternative Rule 60(b)  
Relief For Fraud on the Court with the above-entitled Court. Pursuant to LR 7.2(e)  
this motion is designated as "non-hearing." Pursuant to LR 7.4, any opposition to  
this Motion must be served and filed with the Court no later than eleven (11) days  
after service of the Motion.

DATED: Honolulu, Hawai'i, February 10, 2006.

/s/ Timothy J. Hogan

TIMOTHY J. HOGAN

Attorney for Plaintiff WAYNE BERRY